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SUPREME COURT  
STATE OF WASHINGTON  
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No. 82029-5

IN THE SUPREME COURT FOR  
THE STATE OF WASHINGTON

THE STATE OF WASHINGTON,	)	
	)	
Respondent,	)	
	)	
vs.	)	RESPONDENT'S
	)	STATEMENT OF
RICHARD HENRY MUTCH,	)	ADDITIONAL
	)	AUTHORITIES
Petitioner.	)	
	)	

To: Clerk of the Court

Pursuant to RAP 10.8, the State respectfully submits the following  
additional authority:

1. State v. Powell, 167 Wn.2d 672, 223 P.3d 493 (2010) on the issue of whether the State is required to provide notice under RCW 9.94A.537(1) in order to seek an exceptional sentence at resentencing on cases that were post-trial when the 2005 amendment was enacted.
2. State v. McNeal, \_\_\_ Wn. App. \_\_\_, 231 P.3d 1266 (May 25, 2010), 2010 WL 2044881, on the issues of whether the trial court at resentencing can impose an exceptional sentence under RCW 9.94A.535(2) and whether the State must provide pre-trial notice under RCW 9.94A.537(1) in order to seek an exceptional sentence under RCW 9.94A.535(2) on remand.

Statement of Additional  
Authorities - 1

Whatcom County Prosecuting Attorney  
311 Grand Avenue, 2<sup>nd</sup> Floor  
Bellingham, WA 98225-4079  
(360) 676-6784

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3. State v. Edvalds, \_\_\_ Wn. App. \_\_\_, 237 P.3d 368 (August 16, 2010), 2010 WL 3220196, on the issue of whether the State was required to provide notice in order to seek an exceptional sentence under RCW 9.94A.535(2)(c), high offender score resulting in crimes going unpunished.

DATED this 14<sup>th</sup> day of September, 2010.

Respectfully submitted,

Hilary A. Thomas  
HILARY A. THOMAS  
WSBA #22007  
Appellate Deputy Prosecutor  
Attorney for Respondent

**CERTIFICATE**

I certify that on this date I placed in the mail a properly stamped and addressed envelope, or caused to be delivered, a copy of the document to which this Certificate is attached to this Court and Appellant's attorney, NANCY P. COLLINS, addressed as follows:

WASHINGTON APPELLATE PROJECT  
1511 Third Avenue, Suite 701  
Seattle, WA 98101

Sydney A. Kass 09/14/2010  
LEGAL ASSISTANT DATE

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Statement of Additional  
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